

FILED ENTERED	RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
SEP 13 2016	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:16-CR-030-JAD-(CWH)
)	
Plaintiff,)	
)	
v.)	Preliminary Order of Forfeiture
)	
RAFAEL CRUZ-RODRIGUEZ,)	
)	
Defendant.)	

This Court finds that defendant Rafael Cruz-Rodriguez pled guilty to Count One of a Seventeen-Count Indictment charging him in Count One with Conspiracy to Distribute and Possess with Intent to Distribute at least 100 Grams of a Mixture and Substance Containing a Detectable Amount of Heroin in violation of Title 21, United States Code, Sections 841(a)(1) and 846. Indictment, ECF No. 54; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds defendant Rafael Cruz-Rodriguez agreed to the forfeiture of the property set forth in the Plea Agreement, the Amended Bill of Particulars, and the Forfeiture Allegation of the Indictment. Indictment, ECF No. 54; Amended Bill of Particulars, ECF No. 95; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement, the Amended Bill of Particulars, and the Forfeiture Allegation of the Indictment and the offenses to which defendant Rafael Cruz-Rodriguez pled guilty.

1 The following assets are (1) any property constituting, or derived from, any proceeds
2 obtained, directly or indirectly, as the result of violations of Title 21, United States Code, Section
3 841(a)(1) and Title 21, United States Code, Section 846 and (2) any property used, or intended to
4 be used, in any manner or part, to commit, or to facilitate the commission of violations of Title
5 21, United States Code, Section 841(a)(1) and Title 21, United States Code, Section 846, and are
6 subject to forfeiture pursuant to Title 21, United States Code, Section 853(a)(1) and (a)(2).

7 1. \$22,700; and

8 2. \$5,189

9 (all of which constitutes property).

10 This Court finds the United States of America is now entitled to, and should, reduce the
11 aforementioned property to the possession of the United States of America.

12 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
13 the United States of America should seize the aforementioned property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest
15 of Rafael Cruz-Rodriguez in the aforementioned property is forfeited and is vested in the United
16 States of America and shall be safely held by the United States of America until further order of
17 the Court.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of
19 America shall publish for at least thirty (30) consecutive days on the official internet government
20 forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited
21 property, state the time under the applicable statute when a petition contesting the forfeiture must
22 be filed, and state the name and contact information for the government attorney to be served
23 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,
24 Section 853(n)(2).

25 ///

26 ///

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or
2 entity who claims an interest in the aforementioned property must file a petition for a hearing to
3 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be
4 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,
5 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature
6 and extent of the petitioner's right, title, or interest in the forfeited property and any additional
7 facts supporting the petitioner's petition and the relief sought.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
9 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no
10 later than thirty (30) days after the notice is sent or, if direct notice was not sent, no later than
11 sixty (60) days after the first day of the publication on the official internet government forfeiture
12 site, www.forfeiture.gov.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if
14 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at
15 the following address at the time of filing:

16 Daniel D. Hollingsworth
17 Assistant United States Attorney
18 501 Las Vegas Boulevard South, Suite 1100
19 Las Vegas, Nevada 89101.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described
21 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate
22 agency following publication of notice of seizure and intent to administratively forfeit the above-
23 described property.

24 ///

25 ///

26 ///

///

1
2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies
3 of this Order to all counsel of record.

4 DATED this 13th day of September, 2016.

5
6
7 
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
UNITED STATES DISTRICT JUDGE